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Institution:	Inter-American Commission on Human Rights
File Number(s):	Case No. 1683
Session:	Thirty-First Session (15 - 25 October 1973)
Title/Style of Cause:	Olavo Hansen v. Brazil
Doc. Type:	Report
Decided by:	President: Dr. Justino Jimenez de Aréchaga (Uruguay) Vice-President: Dr. Carlos A. Dunshee de Abranches (Brazil) Members: Professor Manuel Bianchi (Chile); Dr. Gabino Fraga (Mexico); Dr. Robert Woodward (United States); Dr. Genaro R. Carrio (Argentina); Dr. Andrés Aguilar (Venezuela) For health reasons, Dr. Gabino Fraga was unable to attend the Thirty-First Session.
Dated:	22 October 1973
Citation:	Hansen v. Braz., Case 1683, Inter-Am. C.H.R., OEA/Ser.L/V/II.32, doc. 3 rev. 2 (1973)
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[1] Case 1683 - By a communication dated June 9, 1970, the following denunciation was made:

"We wish to denounce the Government of Brazil for the assassination of the labor leader OLAVO HANSEN, leader of the São Paulo textile workers.

"This labor leader was arrested with 16 other comrades who were taking part in the peaceful May Day observance on May 1, 1970, in the sports arena known by the name of Maria Zélia and located in São Paulo. He was taken to DOPS (headquarters of the regime's political and labor police). During the night he was subjected to prolonged questioning, returning to his cell in pitiful physical condition, unable even to stand. For several days he remained in his bunk, unable to get to his feet, with speaking, and unable even to urinate.

"Several days later his body was discovered near the Ipiranga Museum, covered with contusions and hematomas, as the result of the brutal torture to which he had been subjected. His death was officially recorded on May 9, but his family was not notified until May 13, the date on which his body was found in the place mentioned."

[2] This denunciation was corroborated by several persons and organizations in communications dated June 18, 22, and 25 and September 9, 1970.

[3] In a note dated June 17, 1970, the Commission requested the Government of Brazil to supply the pertinent information, pursuant to articles 42 and 44 of its Regulations.

[4] At its twenty-fourth Session (October 1970), the Commission appointed Dr. Durward V. Sandifer, then a member, to serve as rapporteur of this case, and it decided to request the consent of the Government of Brazil so that the rapporteur, accompanied by the Executive Secretary of the Commission, might visit that country in order to gather the information necessary to the performance of his duties.

[5] That request for consent was cable to the Government of Brazil on October 26, 1970, and again on December 10, 1970.

[6] In a note dated January 11, 19 In (AAA/1602.20), the Government of Brazil replied, denying consent to the rapporteur's visit and commenting on the procedure followed in this case by the IACHR. The following is a summary of the information contained in the documentation sent with that reply, as an integral part thereof:

- i. Mr. Hansen, age 25, was arrested by the military police of the State of São Paulo while distributing subversive leaflets at the Villa Maria Zélia sports arena during a gathering of workers, leading the "Operation Bandeirantes" in that city.
- ii. The following day the prisoner was taken to the headquarters of the political and labor police (DOPS), where he became ill; he was therefore admitted to the Military Hospital of the Army, where he died.
- iii. An autopsy having been performed at the Institute of Legal Medicine, the medical-forensic report stated that the cause of death was unknown.
- iv. An officer was appointed to conduct the police investigation ("inquest"), under the direct supervision of the attorney general, Dr. José Verissimo de Hello.
- v. As a result of that investigation, it was concluded that Olavo Hansen had committed suicide by ingesting parathion, a substance used in the manufacture of fertilizers and insecticides and handled in the place where the deceased worked until April 30, 1970, that is, one day before his detention at DOPS.
- vi. The investigation ("inquest") having been brought before judicial authority, the judge assigned to the case ordered the case filed, among other reasons because "there was no objective evidence that death was the result of criminal action."
- vii. The investigation produced all proof "necessary to show that Olavo Hansen's death was not the result of an arbitrary act committed by the officers in whose custody he was."

[7] On the basis of the documents and information furnished by the Government of Brazil, the rapporteur prepared a report (doc.7-25 res.), which was submitted to the Commission for consideration at its twenty-fifth Session (March 1971).

In that report, and with regard to the objections raised by the Government of Brazil in denying consent to the rapporteur's visit to that country because "sending an observer constitutes an exceptional measure that should be applied only when the Commission has no other means of verifying the facts" and "the simple fact that the periods for the requests for information have not yet run out demonstrates that the Inter-American Commission on Human Rights has not abided by Resolution XXII of the Second Special Inter-American Conference, which directs that the Commission, in the exercise of its assigned powers, shall verify whether the internal legal procedures and remedies of each member state have been duly applied and exhausted," the rapporteur stated the following conclusions:

1. Article 50 of the Regulations contains a number of methods by which the Commission is empowered to gather evidence or "learn the facts." Observation in loco is one of the ways specifically listed. It should be particularly noted that this article makes use of the conjunction "or," giving the Commission discretion in its manner of collecting information. Observation in loco is exceptional only in that it is not used as often as some of the other methods, since it is generally more costly and requires the consent of the government concerned. Thus it has been used only in serious cases, when the Commission has decided it to be suitable.
2. The Commission has never considered that Article 51 of the Regulations (relating to the 180-day period after which the allegations will be presumed to be confirmed) acts to the exclusion of Article 50. There is nothing in the language of the Regulations to so indicate. The past history of the Commission

shows that it has sent rapporteurs on various occasions, with the consent of the government concerned, without awaiting the expiration of the period formulated in Article 51.

3. Observation in loco provides an efficacious method of examining the allegations of a denunciation. When one considers the predicament generally of the person who is the claimant or the object of the denunciation, it appears that the sending of an observer may be the most suitable course in some cases. One can imagine only with difficulty a person isolated in jail and claiming to be the victim of tortures and yet having complete freedom to inform the Commission of his lot. A mandatory waiting period before any action by the Commission could, in many cases, result in tragic delay.

4. Observation in loco provides a means of verifying whether the internal procedures and remedies of the states have been duly applied and exhausted. This is especially true when the government concerned does not submit the requested pertinent information within a reasonable period of time. As in the case of Article 50, there is nothing in the Regulations to link Article 54 to Article 51.

"Second, as to Case 1683, the Government of Brazil denies the charges made in connection with the death of Olavo Hansen and claims that he committed suicide by ingesting parathion. On the other hand, the claimants stated that Hansen's body was found full of contusions and hematomas, which they contended were the result of brutal torture."

In light of the foregoing conclusions, the rapporteur recommended that the Government of Brazil be requested to furnish all available information on the denunciation and that the pertinent parts of the reply from that government be forwarded to the claimants for their information and response.

[8] Against this background, the Commission began studying the case at its Twenty-fifth Session.

Dr. Carlos A. Dunshee de Abranches made severed comments on the rapporteur's report. In view of those observations, the Commission requested the rapporteur to expand his report.

Accordingly, Dr. Durward V. Sandifer prepared a Second Report on Case 1683 (doc.37-25), in which he analyzed the various aspects of the alleged suicide of Olavo Hansen, particularly the fact that the body of the alleged suicide showed cranial hematomas and encephalic lesions not mentioned in the documentation supplied by the Government of Brazil with its note of January 11, 1971. On the basis of this report, the rapporteur again recommended that the pertinent parts of the reply from the Government of Brazil be sent to the claimants, with the request that they furnish "act the information they can obtain, to help clear up the case."

At that session, with Dr. Carlos A. Dunshee de Abranches casting a negative vote, the Commission approved the rapporteur's recommendations contained in the first two reports (docs.7-25 and 37-25) and, accordingly, addressed the claimants in communications dated April 6 and 7, 1971, transmitting to them the pertinent parts of the reply from the Government of Brazil and requesting all available information on the case.

[9] By a communication dated August 20, 1971, the claimants furnished additional information on the case and, in addition, made several observations on the statements of the Government of Brazil. In that communication the claimants said that "Mr. Hansen's imprisonment, torture, and death should be considered a political and labor crime, with the suicide thesis being discounted." Moreover, the Commission was again requested to carry out an observation in loco, in order to verify the truth.

[10] At the Twenty-sixth Session (October-November 1971), the rapporteur presented a report (doc.14-26) recommending that a decision be postponed in view of the fact that further study of the matter was made necessary by additional information supplied by the claimants.

In accordance with that recommendation, the Commission, with a negative vote cast by Dr. Carlos A. Dunshee de Abranches, who offered an explanation at his vote on that occasion, decided to postpone examination of case 1683 until its Twenty-seventh Session. The Government of Brazil was informed of that decision by a note dated November 17, 1971, and the claimants on December 3, 1971.

[11] At its Twenty-seventh Session (February-March 1972), the Commission carried forward its study of the case on the basis of a fourth report prepared by the rapporteur, Dr. Durward V. Sandifer, and containing several recommendations and a draft resolution. However, after considering those recommendations and the draft resolution, the Commission decided to postpone its decision on the case until its special session. It also requested the rapporteur to prepare another report, taking into account the members' comments and observations.

Pursuant to that decision, the rapporteur prepared a document entitled "Fifth Report on Case 1683 (Brazil)" (doc.5-28 rev.1), in which he gave an account of the events covered in the denunciation, the steps taken, the prior questions involved in the matter, and comments on technical aspects of the reply from the Government of Brazil to the effect that Mr. Olavo Hansen had committed suicide by ingesting parathion.

Among the observations made in the fifth report, the following warrant special mention:

1. The rapporteur believed that the decision taken on November 19, 1970, by the Military Judge of the Second Military Court of the Army (2nd Military Judicial District), on the basis of the police investigation, "raises many questions that might have been clarified if the government had ordered the full text of the police report sent to the Commission." Moreover, "if the Government of Brazil had consented to the rapporteur's visiting Brazilian territory and making an observation in loco, he would have been able to interview the governmental authorities and physicians mentioned in the report and thus shed light on the points of doubt mentioned below."

2. In light of the chronology of events as given in the documents (Hansen was arrested on May 1 between 1 and 2 p.m.; taken to DOPS the morning of May 2; questioned on May 4; taken ill the morning of May 8, when he was admitted to the hospital; died on May 9; his body was discovered on May 13); and bearing in mind that a small dose of parathion causes death rapidly (in this regard, the rapporteur relied on several studies cited in his report) and that the autopsy certificate indicates that Hansen's death was caused by the action of that drug, when did Hansen ingest the poison? If parathion produces an extremely rapid effect --indeed, if its mere inhalation is enough to cause death--and if Hansen ingested it minutes before his death, how could he have survived a week? Were the victim's personal effects examined for signs of the poison?

3. The physician who made the examination on May 8 found no evidence of violence but the necroscopic examination performed at the Institute of Legal Medicine of the State of São Paulo revealed contusions and hematomas on various parts of Hansen's body. How were those injuries caused? Were they the kind that Hansen himself might have inflicted? Or were they the kind usually caused by torture?

In addition, in his fifth report the rapporteur again examined the question of the exhaustion of internal remedies, as set forth in Article 54 of the Regulations of the Commission. He arrived at the conclusion that, despite the police-investigation ("inquest") and the filing of the case by judicial decision, "the illusory nature of any possibility of appeal should not obscure the fact that the Commission is able to reach conclusions in this case on the basis of information already in its possession."

The steps taken in the case and the above-mentioned observations led the rapporteur to conclude that:

i. The refusal of the Government of Brazil to allow him to visit that country in order to conduct an observation in loco of the denunciation made it impossible "to gather sufficient data for declaring the denounced events either proven or unproven";

ii. The information furnished by the Government of Brazil was insufficient; and
A thorough examination of the case showed it to constitute prima facie a very serious case of the violation of the right to life.

iii. In light of these conclusions, the rapporteur included in his report the recommendations he deemed appropriate and attached a draft resolution.

[12] On the basis of the rapporteur's report, the Commission examined case 1683 at its Twenty-eight (Special) Session, held May 1-5, 1972.

Bearing in mind that case 1683 constituted an "individual case" of alleged violation of human rights, thus compelling compliance with Article 9 (bis).d of its Statute and Article 54 of its Regulations, the Commission considered as a question for prior decision, whether the internal procedures and remedies had been duly applied and exhausted in this case. Moreover, as a related question, it considered, in the event such internal remedies had not been exhausted, from whom the Commission might demand compliance with that requirement.

The Commission declared itself competent to examine the substance of the matter involved in case 1683, stating that the internal remedies of the State of Brazil had been exhausted therein. This majority decision was taken with the negative vote of Dr. Carlos A. Dunshee de Abranches.

On the basis of the draft presented by the rapporteur, the Commission, by a majority vote, with Dr. Carlos A. Dunshee de Abranches opposed approved the following resolution (OEA/Ser.L/V/II.28, doc.15, May 3, 1972):

THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS,

HAVING SEEN the report and recommendations of the rapporteur appointed for the purpose of examining violators to human rights in the case of the alleged torture and death of Olavo Hansen (case 1683), and

CONSIDERING:

That in accordance with Article 9 (bis); paragraph b) of its Statute, it is empowered to make recommendations to the government of any American state "with the objective of bringing about more effective observance of fundamental human rights,"

RESOLVES:

To approve the "Fifth Report on Case 1683 (Brazil)" prepared by the rapporteur; and

DECIDES:

1. To make known to the Government of Brazil that, by virtue of the information that the Commission has at its disposal, the acts reported in the record of this case constitute prima facie, in its opinion, a very serious case of the violation of the right to life.

2. To request that distinguished government that it impose on those persons found guilty of this death the punishment provided by the law in such a case and offer to the family of Olavo Hansen the reparation due to them by law.

3. To forward to the Government of Brazil a copy of the report of the rapporteur as well as this resolutions and to inform the claimants of the contents of this resolution.

This resolution was communicated to the Government of Brazil in a note dated May 5, 1972, and to the

claimants on May 12, 1972.

[13] By a note dated April 3, 1973, the Government of Brazil petitioned the Commission to reconsider the above-cited resolution, alleging, in short, errors of procedure and of substance in the examination of Case 1683. In addition, it commented on the report that had been presented by the rapporteur for the case, Dr. Durward V Sandifer, then a member of the Commission, and which had served as the basis for approval of the pertinent resolution by the IACHR on May 3, 1972.

[14] At its Thirtieth Session (April 1973), the Commission considered that petition in light of the following points:

- a. Admissibility of the petition, inasmuch as the Regulations of the Commission contain no pertinent provisions on petitions for reconsideration of decisions or resolutions adopted with regard to cases submitted to it.
- b. Despite the lack of pertinent regulatory standards, the Commission has both the right and the duty to reconsider its own decisions, there being--within the Organization of American States--no higher body in the field of human rights to which an interested party in a case, whether the government or the claimant, might turn in order to request reconsideration of an IACHR decision.
- c. Petitions for reconsideration should be presented in a timely manner.
- d. The admission of a petition such as that presented by the Government of Brazil should, moreover, be based on new facts or criteria that justify the reconsideration of the decision taken and that could not be brought to the attention of the Commission during its examination of the case.
- e. That in communication 1683 the petition of the Government of Brazil had been untimely, 330 days having elapsed since the date on which the resolution on that communication had been approved.

The subjects considered included also the domestic legal difficulties alleged by the Government of Brazil in implementing the recommendation set forth in operative paragraph 2 of the resolution of May 3, 1972, to the effect that it punish those persons found guilty of the death of Mr. Olavo Hansen and offer his family the reparation due to them by law, because the political-administrative system in Brazil leads to doubt (on the part of the government of that country) regarding which authority should impose the punishment and which party or parties might be entitled to reparation.

After studying these matters, the Commission, at that session and by a majority vote, with a negative vote cast by Dr. Carlos A. Dunshee de Abranches, decided to declare the petition of the Government of Brazil inadmissible and to request Dr. Gabino Fraga, in his capacity as rapporteur, to prepare a draft resolution for implementing that decision.

On the basis of the draft presented by the rapporteur, the Commission, by a majority vote, with a negative vote cast by Dr. Carlos A. Dunshee de Abranches, approved the following resolution (OEA/Ser.L/V/II.30, doc.39, April 27, 1973):

THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS,

HAVING SEEN the note presented by the Government of Brazil, dated April 3, 1973 (No. 137), by which "a new examination" of Case 1683 (Olavo Hansen) is requested; and

CONSIDERING:

1. That neither the Statute nor the Regulations of the Commission establish the right of review of the resolutions that are adopted and communicated to the member states of the Organization. In order that the right of review exist, it would be necessary that those standards set forth the cases in which that right

would be applicable, the term or period in which to file a petition for review, and the obligation of the Commission to examine and resolve it when the requirements for its presentation are satisfied;

2. That because such provisions do not exist, requests for review that are presented can only be considered as a simple exercise of the right of petition for which there is no obligation to reconsider the case;

3. That for that reason and without precluding the possibility of review, lacking a standard to process it, the Commission must discretionally decide whether the petition satisfies the minimum elements to justify a new study of the case;

4. That among those minimum elements, which are the same as those of a legally established appeal, figures, in the first place, the period within which the request for review should be presented, since the resolutions cannot remain indefinitely exposed to refutation, which would result in the lessening of the firmness they should have and of their value as an exercise of the powers legally granted by the Statute approved by the Council of the Organization of American States, in compliance with Resolution VIII of the Fifth Meeting of Consultation of Ministers of Foreign Affairs, held in Santiago, Chile, in August 1959; and

5. That the Commission must judge whether the petition for review has been presented within a reasonable period of time, taking into account the degree of complexity of the case involved and the difficulties that must be overcome in order to obtain new evidence,

RESOLVES:

1. To declare inadmissible the petition for a new examination of the resolution of May 3, 1972, formulated by the Government of Brazil, by note of April 3, 1973, because the term that had elapsed until the date of the request for review exceeds a reasonable period of time.

2. To recommend to the government that it comply with the terms of the resolution of May 3, 1972.

3. To request that the Commission be informed if any problem is encountered, within the domestic legislation, for the awarding of reparation that is referred to in point 2 of that resolution.

5. To communicate this resolution to the Government of Brazil and to the claimants.

Dr. Dushee de Abranches presented an explanation of his vote.

[15] The resolution was communicated to the Government of Brazil and to the claimants by notes dated June 15 and 20, 1973, respectively.

[16] The Government of Brazil, through its Ambassador, Representative to the OAS, addressed the Commission in a note dated October 12, 1973 (No. 312), regarding the resolution of April 27 on case 1683. It stated the following:

"Olavo Hansen having died as a result of excessive ingestion of a toxic drug manufactured in the laboratory where he worked, as was exhaustively proven in the course of the police investigation --facts the Commission failed to take into account--the Government of Brazil cannot accept the accusations that have been made against it nor much less the suggestion that it indemnify the Hansen family. Moreover, the Government of Brazil is astonished by the attitude of the Inter-American Commission on Human Rights, since it is totally out of keeping with the facts and with the results of the investigations of the same case made by the International Labor Organization, which refused to condemn the Brazilian authorities."

Finally, the Government of Brazil stated that it considered "invocation of a period of time unacceptable as being unrealistic, inasmuch as it would constitute an undue extension of domestically applicable procedural standards and would place Brazil in the position of a criminal, thus...creating a figure that has no place in international law."

[17] The Commission took cognizance of the note of the Government of Brazil during its Thirty-first Session (October 1973). That note having indicated that the Government of Brazil had not adopted the measures recommended by the Commission in its resolution of May 3, 1972, and reaffirmed on April 27, 1973, and it being incumbent upon the Commission, in the exercise of the power conferred upon it by Article 57 of its Regulations, to include in the annual report to be submitted to the General Assembly of the Organization such observations as it considered appropriate, the Commission appointed Dr. Genaro R. Carrió, in the capacity of rapporteur, to prepare a report with the appropriate observations.

At that same session the rapporteur presented his report (doc.26-31 res), in which he analyzed the objections raised in the note of October 12, 1973, from the Government of Brazil and made the statements summarized below:

- a. "Once the case has been resolved and the petition for new examination declared inadmissible, it is not proper for the Commission again to consider the merits of the case in order to judge whether the Government of Brazil is or is not correct in refusing to follow the recommendations contained in the resolution of May 1972, repeated in that of April 1973."
- b. "In order to declare inadmissible the request for review made by the Government of Brazil almost eleven months after the resolution of May 1972 was adopted, the Commission did not unduly extend any standards of domestic positive law but rather invoked the elementary principle that its resolutions cannot remain indefinitely exposed to refutation, which would result in the lessening of the firmness that they should have and of their value as an exercise of the powers legally granted by the Statute approved by the Council of the Organization of American States, in compliance with Resolution VIII of the Fifth Meeting of Consultation of Ministers of Foreign Affairs, held in Santiago, Chile, in August 1959' (fourth paragraph of the preamble of the resolution of April 27, 1973)."
- c. "The invocation and application of that elementary principle, the reasonableness of which cannot be seriously questioned, did not in any way imply placing the Government of Brazil in 'the position of a criminal.' There is no relation at all between one thing and the other, and the note from the Government of Brazil that is the occasion for this report does not contribute any argument in favor of the opposite conclusion. It is not only criminals who make belated or ultimately presentations."
- d. "Consequently, since the Government of Brazil has not adopted the measures recommended by the Commission, it is appropriate for the latter, in exercise of the power conferred upon it in Article 57 of its Regulations, to make the observations it considers appropriate in the annual report it is to present to the General Assembly of the Organization."

To that report the rapporteur attached a draft resolution (doc. 37-31 res.) in accordance with which the Commission, at that session and by a majority vote, with a negative vote cast by Dr. Dunshee de Abranches, approved the following resolution (OEA/Ser.L/V/II.31, doc.37 rev.1, October 22, 1973):

THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS,
HAVING SEEN:

1. The resolution adopted by the Inter-American Commission on Human Rights on May 3, 1972, in relation to case 1683, on the alleged torture and death of Olavo Hansen;
2. The resolution of the Commission of April 27, 1973, issued on account of a request for review made by the Government of Brazil; and
3. The note presented by that government on October 12, 1973; and

CONSIDERING:

1. That in the aforementioned resolution of May 3 1972, the Commission decided: a) to approve the

fifth report on Case 1683, prepared by the rapporteur, Prof. Durward V. Sandifer; b) to make known to the Government of Brazil that, by virtue of the information that the Commission had at its disposal, the acts that surrounded the death of Olavo Hansen constitute prima facie a very serious case of violation of the right to life; and c) to request that government to impose on those persons found guilty of that death the punishment provided by law and to offer to the family of Olavo Hansen the reparation due to them by law;

2. That the report of the rapporteur includes the texts of the denunciations received, according to which Olavo Hansen died as a result of having been tortured in police offices, and also includes the reasons for which, in the opinion of the rapporteur, the version that Hansen died because he ingested a toxic drug manufactured where he worked cannot be accepted as true;

3. That by resolution of April 27, 1973, the Commission resolved:

a) to declare inadmissible, as untimely, a request for a new examination of the case made by the Government of Brazil on the third day of that month;

b) to recommend to that government that it comply with the resolution of May 3, 1972; and

c) to request of it that if, in the domestic legislation of Brazil, any difficulty should be found with regard to the granting of reparation to the family of Olavo Hansen, that it be so kind as to inform the Commission with regard thereto;

4. That by a note dated the twelfth of this month the Government of Brazil informed the Commission that it understands that "Olavo Hansen having died as a result of excessive ingestion of a toxic drug manufactured in the laboratory where he worked...the Government of Brazil cannot accept the accusations that have been made against it nor much less the suggestion that it indemnify the Hansen family";

5. That Article 9 (bis) b of the Statute of the Commission establishes that it make recommendations to the government of any of the American states, when deemed appropriate, with the object of bringing about more effective observance of fundamental human rights. Paragraph c) of that same article provides that the Commission has the obligation to submit a report annually to the Assembly, which should include observations as the Commission may deem appropriate on matters covered in the communications submitted to it;

6. That in accordance with those standards of the Statute, Article 56 of the Regulations of the Commission provides that if, after it has processed a communication or claim on an alleged violation of human rights, the occurrence of the violation is confirmed, the Commission shall make appropriate recommendations to the government concerned. Article 57 of the Regulations establishes that if the government does not, within a reasonable time, adopt the measures recommended by the Commission, the latter may make the observations it considers appropriate in the annual report it is to present to the Assembly, pursuant to paragraph c) of Article 9 (bis) of its Statute;

7. That in view of the fact that the Government of Brazil has not adopted the measures recommended by the Commission in the resolutions of May 3, 1972, and April 27, 1973, it is appropriate to apply the provisions of the cited articles of the Statute and the Regulations; and

8. That this conclusion is not refuted by the fact that during the processing of the case it has been argued that the juridical order of Brazil does not permit its judges to order the state to pay an indemnity and does not permit that a condemnatory order of that type be executed, unless certain conditions prevail, since the offer of reparation does not require, but rather seems to make unnecessary, a petition and an order through the courts,

RESOLVES:

1. To include in the annual report the following observations addressed to the Government of Brazil:

a. That by virtue of the information that the Commission has at its disposal, the circumstances surrounding the death of Olavo Hansen constitute prima facie a very serious case of violation of the right to life; and b) that the Government of Brazil has refused to adopt the measures recommended by the Commission in its resolutions on this case.

2. To communicate this decision to the Government of Brazil and to the claimants.

Dr. Carlos A. Dunshee de Abranches presented an explanation of his vote.

[18] That resolution was communicated to the Government of Brazil in a note dated January 8, 1974.